

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2007-0891-MWD-E **TCEQ ID:** RN101275378 **CASE NO.:** 33705**RESPONDENT NAME:** Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Ramblewood Mobile Home Park, located on the southeast side of Leonard Road (Farm-To-Market Road 1688), approximately two miles southwest of Bryan, Brazos County</p> <p><b>TYPE OF OPERATION:</b> wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 12, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> <b>TCEQ Attorney/SEP Coordinator:</b> None <b>TCEQ Enforcement Coordinator:</b> Mr. Samuel Short, Enforcement Division, Enforcement 3, MC 149, (512) 239-5363; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 <b>Respondent:</b> Mr. Chris Price, Treasurer/Owner, Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park, 2591 East Pioneer Drive, Irving, Texas 75061 <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 1, 2007</p> <p><b>Date of NOE Relating to this Case:</b> May 18, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine compliance investigation for compliance with the water quality program. Three significant program violations were observed.</p> <p><b>WATER</b></p> <p>1) Failure to secure the facility when required. Specifically, the fence surrounding the perimeter of the facility was in need of repair and was not intruder-resistant [30 TEX. ADMIN. CODE § 317.7(e) and Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011038001, Operational Requirements No. 1].</p> <p>2) Failure to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the influent bar screenings were not kept in a covered storage receptacle, excessive solids were in the clarifier, and solids were passing over the saw tooth weir into the chlorine contact chamber [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011038001, Operational Requirements No. 1].</p> <p>3) Failure to prevent the unauthorized discharge and accumulation of sludge in the receiving stream. Specifically, the investigator documented that the sludge was visible from the point of discharge (the outfall) to 160 yards downstream. Samples taken at the point of discharge, 125 yards downstream, and 160 yards downstream</p>	<p><b>Total Assessed:</b> \$9,000</p> <p><b>Total Deferred:</b> \$1,800  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$7,200</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a) Ceased the unauthorized discharge on March 2, 2007; and</p> <p>b) Modified the chlorine contact chamber on June 12, 2007 creating three baffles to ensure that any stray solids will remain in the chamber and not be discharged into the effluent stream.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a) Within 15 days after the effective date of this Agreed Order, repair the fence surrounding the perimeter and ensure that it is intruder-resistant;</p> <p>b) Within 15 days after the effective date of this Agreed Order, begin storing the influent bar screenings in covered storage receptacles;</p> <p>c) Within 15 days after the effective date of this Agreed Order, develop and implement procedures that would prevent future unauthorized discharges from occurring;</p> <p>d) Within 30 days after the effective date of this Agreed Order, remove and properly dispose of all excess sludge and solids from the receiving stream, from the clarifier, and from the chlorine contact chamber; and</p> <p>e) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a., 2.b., 2.c., and 2.d.</p>

contained elevated concentrations of Ammonia Nitrogen, Ortho-Phosphates, Total Phosphorus, and Total Kjehldahl Nitrogen [30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0011038001, Permit Conditions No. 2.d.].		The certification shall be notarized by a State of Texas Notary Public.
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Additional ID No(s): WQ0011038001





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

TCEQ

DATES

Assigned

28-May-2007

PCW

8-Jun-2007

Screening

6-Jun-2007

EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park

Reg. Ent. Ref. No. RN101275378

Facility/Site Region 9-Waco

Major/Minor Source Minor

## CASE INFORMATION

Enf./Case ID No. 33705

Docket No. 2007-0891-MWD-E

Media Program(s) Water Quality

Multi-Media

No. of Violations 3

Order Type 1660

Enf. Coordinator Samuel Short

EC's Team Enforcement Team 3

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1

\$5,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 80% Enhancement

Subtotals 2, 3, &amp; 7

\$4,000

Notes

A 80% enhancement is recommended for having four NOV's for the same or similar violations, and three Agreed Orders with denial within the last five years.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Extraordinary

Before NOV

NOV to EDPRP/Settlement Offer

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement\*

Subtotal 6

\$0

Total EB Amounts

\$598

Approx. Cost of Compliance

\$12,500

\*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$9,000

## OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

\$9,000

## STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$9,000

## DEFERRAL

20%

Reduction

Adjustment

-\$1,800

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$7,200

Screening Date 6-Jun-2007

Docket No. 2007-0891-MWD-E

PCW

Respondent Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 33705

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101275378

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
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NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 80%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

A 80% enhancement is recommended for having four NOVs for the same or similar violations, and three Agreed Orders with denial within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 80%

<b>Screening Date</b> 6-Jun-2007		<b>Docket No.</b> 2007-0891-MWD-E		<b>PCW</b>		
<b>Respondent</b> Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park				<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 33705				<i>PCW Revision May 25, 2007</i>		
<b>Reg. Ent. Reference No.</b> RN101275378						
<b>Media [Statute]</b> Water Quality						
<b>Enf. Coordinator</b> Samuel Short						
<b>Violation Number</b> 1						
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 317.7(e) and TPDES Permit No. WQ0011038001, Operational Requirements No. 1				
<b>Violation Description</b>		Failed to secure the facility when required. Specifically, the fence surrounding the perimeter of the facility was in need of repair and was not intruder-resistant.				
				<b>Base Penalty</b> \$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
OR	<b>Harm</b>					
	<b>Release</b>	Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>		
				<b>Percent</b>	5%	
<b>&gt;&gt; Programmatic Matrix</b>						
<b>Falsification</b>		Major	Moderate	Minor		
<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>		
				<b>Percent</b>	0%	
<b>Matrix Notes</b>		Human health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.				
				<b>Adjustment</b>	\$9,500	
				\$500		
<b>Violation Events</b>						
<b>Number of Violation Events</b>		1		<b>Number of violation days</b>		
		97				
<i>mark only one with an x</i>	daily	<input type="text"/>		<b>Violation Base Penalty</b> \$500		
	monthly	<input type="text"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	<input checked="" type="checkbox"/>				
One single event is recommended.						
<b>Economic Benefit (EB) for this violation</b>				<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$265		<b>Violation Final Penalty Total</b> \$900		
				<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$900		

**Economic Benefit Worksheet**

Respondent Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park  
Case ID No. 33705  
Reg. Ent. Reference No. RN101275378  
Media Water Quality  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$6,500	1-Mar-2007	24-Dec-2007	0.8	\$265	n/a	\$265

**Notes for DELAYED costs**

The estimated cost to replace the fence surrounding the perimeter and ensure that it is intruder resistant. Date required is the investigation date and final date is the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$6,500

TOTAL

\$265



<b>Screening Date</b>	6-Jun-2007	<b>Docket No.</b>	2007-0891-MWD-E	<b>PCW</b>
<b>Respondent</b>	Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	33705	PCW Revision May 25, 2007		
<b>Reg. Ent. Reference No.</b>	RN101275378			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Samuel Short			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0011038001, Operational Requirements No. 1			
<b>Violation Description</b>	Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the influent bar screenings were not kept in a covered storage receptacle, excessive solids were in the clarifier, and solids were passing over the saw tooth weir into the chlorine contact chamber as documented on March 1, 2007.			
<b>Base Penalty</b>				\$10,000

  

**>> Environmental, Property and Human Health Matrix**

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential		x		<b>Percent</b>	10%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor		
					<b>Percent</b>	0%

  

<b>Matrix Notes</b>	Human health or the environment will or could be exposed to significant amounts of pollutants as a result of this violation.
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<b>Adjustment</b>	\$9,000
\$1,000	

  

**Violation Events**

Number of Violation Events	2	Number of violation days	97
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mark only one with an x	daily		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

  

<b>Violation Base Penalty</b>	\$2,000
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Two quarterly events are recommended from the investigation date, March 1, 2007, to the date of screening, June 6, 2007.	
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<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$55
<b>Violation Final Penalty Total</b>	\$3,600
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$3,600	

**Economic Benefit Worksheet**

Respondent Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park  
Case ID No. 33705  
Reg. Ent. Reference No. RN101275378  
Media Water Quality  
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	1-Mar-2007	9-Apr-2008	1.1	\$55	n/a	\$55

**Notes for DELAYED costs**

The estimated cost to to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Date required is the investigation date and the final date is the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$1,000

TOTAL

\$55

<b>Screening Date</b> 6-Jun-2007	<b>Docket No.</b> 2007-0891-MWD-E	<b>PCW</b>
<b>Respondent</b> Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 33705	<i>PCW Revision May 25, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101275378		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Samuel Short		
<b>Violation Number</b> 3		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), (4), and (5), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0011038001, Permit Conditions No. 2.d.	
<b>Violation Description</b>	Failed to prevent the unauthorized discharge and accumulation of sludge in the receiving stream. Specifically, the investigator documented that the sludge was visible from the point of discharge (the outfall) to 160 yards downstream. Samples taken at the point of discharge, 125 yards downstream, and 160 yards downstream contained elevated concentrations of ammonia nitrogen, ortho-phosphates, total phosphorus, and total KJEHLDAHL nitrogen, as described in the attached table.	
<b>Base Penalty</b>		\$10,000

  

**>> Environmental, Property and Human Health Matrix**

OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual		x		
	Potential				<b>Percent</b> 25%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0%

  

<b>Matrix Notes</b>	Human health and the environment has been exposed to significant amounts of pollutants as a result of this violation.
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<b>Adjustment</b>	\$7,500
<b>\$2,500</b>	

  

**Violation Events**

Number of Violation Events	1		Number of violation days	1
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<i>mark only one with an x</i>	daily		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

  

<b>Violation Base Penalty</b>	\$2,500
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One monthly event is recommended for the day that the discharge occurred on March 1, 2007 to the day the discharge ceased on March 2, 2007.	
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<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<b>Violation Final Penalty Total</b>
\$277	\$4,500
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$4,500	

**Economic Benefit Worksheet**

**Respondent:** Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park  
**Case ID No.:** 33705  
**Reg. Ent. Reference No.:** RN101275378  
**Media:** Water Quality  
**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$5,000	1-Mar-2007	9-Apr-2008	1.1	\$277	n/a	\$277
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to remove and dispose of the accumulated sludge and solids in the receiving stream. Date required is the investigation date and the final date is the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$277

# **SAMPLE RESULTS**

## **Table for Violation #3**

**Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park**

**Docket No. 2007-0891-MWD-E**

<b>Parameter</b>	<b>10 yards upstream</b>	<b>Discharge Point</b>	<b>125 yards downstream</b>	<b>160 yards downstream</b>
NH3-N (mg/L)	2.62	36.9	59.3	74.7
TKN (mg/L)	7.44	51.6	81.1	93.2
Tot-PO4 (mg/L)	1.75	12.2	25.50	26.5
O-PO4 (mg/L)	1.77	13.0	24.0	26.3

mg/L = milligrams per liter

O-PO4 = ortho-phosphate

Tot-PO4 = total phosphorus

NH3-N = ammonia nitrogen

TKN = total KJELDAHL nitrogen



# Compliance History

Customer/Respondent/Owner-Operator:	CN600801880	Five Nine Seven Limited Partnership	Classification: AVERAGE	Rating: 3.52
Regulated Entity:	RN101275378	RAMBLEWOOD MOBILE HOME PARK	Classification: AVERAGE	Site Rating: 3.52
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		0210006
	WASTEWATER	PERMIT		WQ0011038001
	WASTEWATER	PERMIT		TPDES0033197
	WASTEWATER	PERMIT		TX0033197
	WASTEWATER LICENSING	LICENSE		WQ0011038001
	WATER LICENSING	LICENSE		0210006
Location:	located on the southeast side of Leonard Road (Farm-To-Market Road 1688), approximately two miles southwest of Bryan, Brazos County			Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	June 14, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 14, 2002 to June 14, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Samuel Short	Phone:	(512) 239-5363	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A Effective Date: 11/11/2004 ADMINORDER 2003-1546-PWS-E  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(F)(i)  
Description: Failure to provide adequate well capacity of 0.6 gpm per connection.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(F)(ii)  
Description: Failure to provide adequate total storage capacity of 200 gallons per connection.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)[G]  
Description: Failure to notify the Commission prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
Description: Failure to provide an overflow pipe on the ground storage tank.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)  
Description: Failure to provide a well casing eighteen inches above the ground surface.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)[G]  
Description: Failure to test the backflow prevention assembly.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)  
Description: Failure to provide an intruder-resistant fence in order to protect the well.

Effective Date: 12/30/2005 ADMINORDER 2005-0960-MWD-E  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Self-reporting Requirements PERMIT

Description: Failed to submit an annual sludge report for the monitoring period of August 1, 2003 through July 31, 2004.

Effective Date: 04/14/2006

ADMINORDER 2005-1675-MWD-E

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Requirements, No. 1 Pg. 9 PERMIT

Description: Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, an abundance of solids were noted passing over the saw tooth weir and excessive solids and turbidity were noted in the clarifier.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Effluent Limits & Monitoring Reqs. N4,P2 PERMIT

Operational Requirements, No. 1 Pg. 9 PERMIT

Description: Failed to prevent the discharge and accumulation of sludge in the receiving stream.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Requirements, No. 1 Pg. 9 PERMIT

Description: Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the receiving stream was not readily accessible for examination due to large amounts of debris and vegetation.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/21/2002	(179015)
2	07/22/2002	(179018)
3	08/23/2002	(179021)
4	09/24/2002	(179024)
5	10/23/2002	(179026)
6	11/25/2002	(179029)
7	12/27/2002	(304176)
8	01/24/2003	(179035)
9	02/21/2003	(179002)
10	03/21/2003	(179005)
11	04/23/2003	(179009)
12	05/21/2003	(304169)
13	06/03/2003	(60989)
14	06/23/2003	(304170)
15	07/23/2003	(304171)
16	08/25/2003	(304172)
17	09/25/2003	(304173)
18	10/22/2003	(304174)
19	11/20/2003	(304175)
20	12/22/2003	(304177)
21	01/22/2004	(304178)
22	02/23/2004	(304166)
23	03/22/2004	(304167)
24	04/22/2004	(304168)
25	05/27/2004	(355678)
26	06/21/2004	(355679)
27	06/25/2004	(269239)



28	07/26/2004	(355680)
29	09/02/2004	(355681)
30	09/13/2004	(355682)
31	10/25/2004	(355683)
32	11/29/2004	(383828)
33	12/13/2004	(383829)
34	01/24/2005	(383830)
35	02/10/2005	(383827)
36	04/18/2005	(421763)
37	05/10/2005	(377245)
38	05/16/2005	(421764)
39	06/13/2005	(421765)
40	07/08/2005	(421766)
41	08/09/2005	(442668)
42	08/30/2005	(350483)
43	10/05/2005	(471942)
44	10/24/2005	(471943)
45	11/10/2005	(471944)
46	12/14/2005	(471945)
47	01/23/2006	(471946)
48	02/24/2006	(471940)
49	03/13/2006	(471941)
50	04/10/2006	(500398)
51	05/02/2006	(500399)
52	06/26/2006	(500400)
53	07/17/2006	(522504)
54	08/14/2006	(522505)
55	09/22/2006	(522506)
56	10/26/2006	(522507)
57	11/29/2006	(547212)
58	12/13/2006	(547213)
59	01/24/2007	(547214)
60	05/25/2007	(542871)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	03/31/2004	(304168)		
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/31/2004	(355679)		
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/04/2004	(269239)		
Self Report?	NO		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)			
Rqmt Prov:	PERMIT WQ0011038-001			
Description:	Failure to properly operate and maintain all systems of collection, treatment, and disposal			
Self Report?	NO		Classificatio	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Rqmt Prov:	PERMIT WQ0011038-001			
Description:	Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.			
Self Report?	NO		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(d)[G]			
Description:	Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.			
Self Report?	NO		Classificatio	Moderate
Citation:	TWC Chapter 26 26.121(a)(1)			
Rqmt Prov:	PERMIT WQ0011038-001			
Description:	Failure by the permittee to prevent the discharge of wastewater into or adjacent to any water in the state without authorization from the Commission.			
Self Report?	NO		Classificatio	Minor
Citation:	30 TAC Chapter 317 317.7(e)			
Description:	Failure by the permittee to secure the plant with locked gates and an adequate fence.			
Self Report?	NO		Classificatio	Minor
Citation:	30 TAC Chapter 317 317.6(b)(3)(B)			
Rqmt Prov:	PERMIT WQ0011038-001			
Description:	Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.			
Self Report?	NO		Classificatio	Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
Rqmt Prov: PERMIT WQ0011038-001  
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO      Classificatio Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT WQ0011038-001  
Description: Failure to report 40% noncompliances to the TCEQ within the required notification period.

Date 08/31/2004 (355682)

Self Report? YES      Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.  
N/A

G. Type of environmental management systems (EMSs).  
N/A

H. Voluntary on-site compliance assessment dates.  
N/A

I. Participation in a voluntary pollution reduction program.  
N/A

J. Early compliance.  
N/A

Sites Outside of Texas  
N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
FIVE NINE SEVEN LIMITED  
PARTNERSHIP DBA RAMBLEWOOD  
MOBILE HOME PARK  
RN101275378**

§ **BEFORE THE**  
§  
§ **TEXAS COMMISSION ON**  
§  
§  
§  
§ **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0891-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park ("Five Nine Seven") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Five Nine Seven appear before the Commission and together stipulate that:

1. Five Nine Seven owns and operates a wastewater treatment facility located on the southeast side of Leonard Road (Farm-To-Market Road 1688), approximately two miles southwest of Bryan, Brazos County, Texas (the "Facility").
2. Five Nine Seven has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Five Nine Seven agree that the Commission has jurisdiction to enter this Agreed Order, and that Five Nine Seven is subject to the Commission's jurisdiction.
4. Five Nine Seven received notice of the violations alleged in Section II ("Allegations") on or about May 23, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Five Nine Seven of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Nine Thousand Dollars (\$9,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Five Nine Seven has paid Seven Thousand Two Hundred Dollars (\$7,200) of the administrative penalty and One Thousand Eight Hundred Dollars (\$1,800) is deferred contingent upon Five Nine Seven's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Five Nine Seven fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Five Nine Seven to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Five Nine Seven have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Five Nine Seven has implemented the following corrective measures at the Facility:
  - a. ceased the unauthorized discharge on March 2, 2007; and
  - b. modified the chlorine contact chamber on June 12, 2007 creating three baffles to ensure that any stray solids will remain in the chamber and not be discharged into the effluent stream.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Five Nine Seven has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, Five Nine Seven is alleged to have:

1. Failed to secure the Facility when required, in violation of 30 TEX. ADMIN. CODE § 317.7(e) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011038001, Operational Requirements No. 1, as documented during an investigation conducted on March 1, 2007. Specifically, the fence surrounding the perimeter of the Facility was in need of repair and was not intruder-resistant.
2. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES



Permit No. WQ0011038001, Operational Requirements No. 1, as documented during an investigation conducted on March 1, 2007. Specifically, the influent bar screenings were not kept in a covered storage receptacle, excessive solids were in the clarifier, and solids were passing over the saw tooth weir into the chlorine contact chamber.

- Failed to prevent the unauthorized discharge and accumulation of sludge in the receiving stream, in violation of 30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0011038001, Permit Conditions No. 2.d. as documented during an investigation conducted on March 1, 2007. Specifically, the investigator documented that the sludge was visible from the point of discharge (the outfall) to 160 yards downstream. Samples taken at the point of discharge, 125 yards downstream, and 160 yards downstream contained elevated concentrations of ammonia nitrogen, ortho-phosphates, total phosphorus, and total KJEHLDAHL nitrogen, as described in the table below.

SAMPLE RESULTS				
Parameter	10 yards upstream	Discharge Point	125 yards downstream	160 yards downstream
NH3-N (mg/L)	2.62	36.9	59.3	74.7
TKN (mg/L)	7.44	51.6	81.1	93.2
Tot-PO4 (mg/L)	1.75	12.2	25.50	26.5
O-PO4 (mg/L)	1.77	13.0	24.0	26.3

mg/L = milligrams per  
liter

O-PO4 = ortho-  
phosphate

Tot-PO4 = total  
phosphorus

NH3-N = ammonia  
nitrogen

TKN = total  
KJEHLDAHL  
nitrogen

### III. DENIALS

Five Nine Seven generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that Five Nine Seven pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Five Nine Seven's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park, Docket No. 2007-0891-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

- It is further ordered that Five Nine Seven shall undertake the following technical requirements:





- a. Within 15 days after the effective date of this Agreed Order, repair the fence surrounding the perimeter and ensure that it is intruder-resistant;
- b. Within 15 days after the effective date of this Agreed Order, begin storing the influent bar screenings in covered storage receptacles;
- c. Within 15 days after the effective date of this Agreed Order, develop and implement procedures that would prevent future unauthorized discharges from occurring;
- d. Within 30 days after the effective date of this Agreed Order, remove and properly dispose of all excess sludge and solids from the receiving stream, from the clarifier, and from the chlorine contact chamber; and
- e. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a., 2.b., 2.c., and 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 169A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon Five Nine Seven. Five Nine Seven is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Five Nine Seven fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Five Nine Seven's failure to comply is not a violation of this Agreed



Order. Five Nine Seven shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Five Nine Seven shall notify the Executive Director within seven days after Five Nine Seven becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Five Nine Seven shall be made in writing to the Executive Director. Extensions are not effective until Five Nine Seven receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Five Nine Seven in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Five Nine Seven, or three days after the date on which the Commission mails notice of the Order to Five Nine Seven, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park  
DOCKET NO. 2007-0891-MWD-E  
Page 6

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*John S. Sullivan*  
For the Executive Director

12/03/2007  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*Chris Price*  
Signature

9/17/2007  
Date

Chris Price  
Name (Printed or typed)  
Authorized Representative of  
Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park

Treasurer  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

